

USDC SDNY
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MANDATE

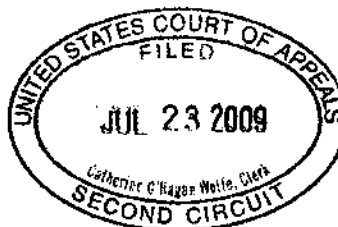
S.D.N.Y. - N.Y.C.
04-cv-165
Preska, J.
Mukasey, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 23rd day of July, two thousand nine,

Present:

Roger J. Miner,
Debra Ann Livingston,
Circuit Judges,
David G. Trager,*
District Judge.



Paul Azzara,

Petitioner,

v.

09-1898-op

The Estee Lauder Companies, Inc., et al.,
Respondents.

Petitioner, *pro se* and incarcerated, has filed a petition for a writ of mandamus and moves for leave to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that the motion for leave to proceed *in forma pauperis* is GRANTED for the purpose of filing the mandamus petition. It is further ORDERED that the mandamus petition is DENIED because Petitioner has not demonstrated that he lacks an adequate, alternative means of obtaining relief. See *In re Dep't of Investigation*, 851 F.2d 65, 69 (2d Cir. 1988). Moreover, mandamus cannot be used as a substitute for an appeal authorized by statute. See *Schlagenhauf v. Holder*, 379 U.S. 104, 110 (1964).

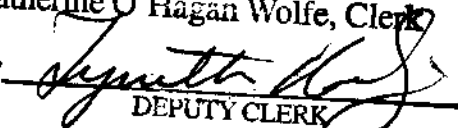
FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: 

*The Honorable David G. Trager, Senior Judge of the United States District Court for the Eastern District of New York, sitting by designation.

SAO-ACB

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by 
DEPUTY CLERK

- ISSUED AS MANDATE: 7-23-09 -